



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board



Gray Davis
Governor

Division of Water Rights

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Division of Water Rights: <http://www.waterrights.ca.gov>

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31258

DATE FILED: December 17, 2001

APPLICATION: 31260

DATE FILED: December 18, 2001

Notice is hereby given that Richard and Annette Rhodes have filed two applications for a water right permit for diversion of water as follows: (1) Application 31258 diversions are located on the Russian River (subterranean flow) and an unnamed stream tributary to the Russian River and (2) Application 31260 diversions are located on four unnamed streams tributary to the West Fork Russian River thence the Russian River in Mendocino County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at www.waterrights.ca.gov. Any correspondence to the applicant shall be mailed to:

Richard and Annette Rhodes
c/o Wagner and Bonsignore
444 North Third Street, #325
Sacramento, CA 95814

APPLICATION 31258 - DESCRIPTION OF THE PROJECT

The applicants seek a right to divert water to an existing (constructed in 2000) offstream facility site which will be enlarged to a maximum capacity of 60 acre-feet. The impoundment will form a 24-foot high dam with a depth of 20 feet and will cover a surface area of two acres. Water is diverted at a maximum rate of two cubic feet per second from (1) an offset well from the Russian River (subterranean flow) via an 8-inch pipe and (2) water pumped from a sump formed by a weir placed across the unnamed stream tributary to the Russian River via a 6-inch pipe to be used for the purposes listed below. The project is located west of East Road and approximately three miles north of Redwood Valley.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

APPLICATION 31258 INFORMATION

The applicant proposes to divert water from:

- (1) Russian River (subterranean flow) and
- (2) Unnamed Stream tributary to the Russian River thence the Pacific Ocean.

The Point(s) of Diversion are located within:

- (1) NE¼ of SE¼ and
- (2) SW¼ of NE¼, both within Projected Section 29, T17N, R12W, MDB&M.

The diversion and place of use are located within the County of Mendocino.

Amount of water applied for: 60 af per year (Storage).

Water will be used for Irrigation, Frost Protection and Heat Control.

The applicant has requested to divert water from November 1 through April 30 of the succeeding year.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
SE¼ of NW¼	29	17N	12W	MD	12	No
SW¼ of NE¼	29	17N	12W	MD	7	Partially
SE¼ of NE¼	29	17N	12W	MD	4	No
NW¼ of SE¼	29	17N	12W	MD	24	Partially
NE¼ of SE¼	29	17N	12W	MD	13	Partially

APPLICATION 31260 - DESCRIPTION OF THE PROJECT

The applicants seek a right to divert 109 acre-feet of water into two existing (constructed in 1970s) reservoirs. Water is diverted by gravity means and also by pumping from point of diversion #4 that is a sump formed by a weir placed across the unnamed stream tributary to the West Fork Russian River via a 6-inch pipe. Reservoir #1 is a 22-foot-high dam, forming a 35 acre-foot capacity onstream reservoir and Reservoir #2 is a 22-foot-high dam forming a 25 acre-foot capacity onstream reservoir. Each of the two reservoirs has a surface area of two acres. The maximum rate of diversion to offstream storage is two cubic feet per second.. In addition, the applicant proposes to construct a 24-foot-high dam forming a 49 acre-foot

onstream reservoir with a surface area of three acres. Water collected to storage will be used for the purposes listed below. The project is located east of East Road and approximately three miles of North Redwood Valley.

APPLICATION 31260 INFORMATION

The applicant proposes to divert water from four unnamed streams tributary to the West Fork Russian River thence the Russian River.

The Point(s) of Diversion are located as follows:

- (1) NW $\frac{1}{4}$ of SE $\frac{1}{4}$;
- (2) SE $\frac{1}{4}$ of SW $\frac{1}{4}$;
- (3) SW $\frac{1}{4}$ of SE $\frac{1}{4}$; and
- (4) SE $\frac{1}{4}$ of SW $\frac{1}{4}$ all located within Projected Section 28, T17N, R12W, MDB&M.

The diversion and place of use are located within the County of Mendocino.

Amount of water applied for: 109 af per year (Storage).

Water will be used for Irrigation, Frost Protection, Heat Control, and Incidental Recreational.

The applicant has requested to divert water from November 1 through April 30 of the succeeding year.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	28	17N	12W	MD	22	Yes
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	28	17N	12W	MD	4	Yes
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	28	17N	12W	MD	8	Partially
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	28	17N	12W	MD	24	Yes
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	28	17N	12W	MD	2	Yes
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	28	17N	12W	MD	3	Partially
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	28	17N	12W	MD	2	Yes

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 acre-feet (af) per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

Both applications are "minor" projects (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the projects according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Mike Falkenstein, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against these applications. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Patricia Meroney
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 4:00 p.m. on the 40th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the applications and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding these projects, or to obtain copies of the protest forms or pamphlet, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterrights.swrcb.ca.gov. Protest forms may also be obtained from the Division's web-site at www.waterrights.ca.gov/forms/.

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DATE OF NOTICE: